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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/756,816      | 01/13/2004  | Stephen W. Johnson   | S93.12-0001         | 2375             |

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| EXAMINER |
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BRITTAIN, JAMES R

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3677

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/756,816             | JOHNSON ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | James R. Brittain      | 3677                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawing Objections***

The drawings are objected to because figure 15 is of such poor quality with a large blackened area and smudged gray areas. Obscuring drawings, such as this figure, are not acceptable.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the serrated blade of claim 9 must be clearly shown and not as a gray undefined smudge on a large blackened area in figure 15 or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification Objections***

The abstract is objected to because it uses the legal term "invention" (line 1) and this is improper in the abstract, which should be a summary of the technical disclosure. Correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by McInerney (US 5911367).

McInerney (figures 1, 5) teaches a self-locking strap assembly comprising a buckle 10 having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; and a retainer in the form of pointed barbs 12 integrally coupled to the buckle 10 and adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. In regard to claim 2, the device is made of nylon (col. 1, line 61-62). In regard to claim 8, McInerney utilizes three pointed barbs 12, but since applicant utilizes open-ended language in the form of “includes” three is not precluded.

Claims 11, 12 and 18 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Golds et al. (US 5356412).

Golds et al. (figure 11) teaches a self-locking strap assembly comprising a buckle 84 having a cavity and a passageway 86; a strap 12a secured to the buckle at a first position and adapted to be inserted to the passageway at a second position; and a retainer 88 disposed in the cavity and including a first barb and a second barb among the pins 92 adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. As to claim 12, the strap can be made of polypropylene (col. 4, lines 9-10). In regard to claim 18, the retainer 88 is pivotally mounted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over McInerney (US 5911367) in view of Christian et al. (US 6003208).

McInerney (figures 1, 5) teaches a self-locking strap assembly comprising a buckle 10 having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; and a retainer in the form of pointed barbs 12 integrally coupled to the buckle 10 and adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The difference is that finger grips 30 are not stated as being ribs. It would have been obvious to use finger grips in the form of ribs in view of Christian et al. (figure 1, 2) teaching that it is desirable to utilize finger grips in the form of ribs 29 so as to more firmly grip the locking head (col. 3, lines 26-28).

Claims 1, 3 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367).

Prete, Jr. (figures 1, 2) teaches self-locking strap assembly structure comprising a buckle 11 having a buckle frame with a passageway 33; a strap 13 secured by a loop to the buckle at a first position and adapted to be inserted into the passageway at a second position; and a retainer 45 coupled to the buckle frame and adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The buckle is self-locking through the spring 49. The difference is that it lacks an outer concave surface.

However, McInerney (figures 1, 5) teaches a self-locking strap assembly comprising a buckle 10

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having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; wherein the concave surfaces and finger grips help in more securely gripping the buckle. As it would be beneficial to more securely grip the buckle of Prete, Jr., it would have been obvious to modify the buckle of Prete, Jr. so that the sides have concave surface in view of McInerney teaching that it is desirable to provide such structure to more securely grip the buckle.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367) as applied to claim 3 above, and further in view of Christian et al. (US 6003208).

Further modification of the assembly of Prete Jr. such that the finger grips of McInerney et al. are ribs would have been obvious in view of Christian et al. (figure 1, 2) teaching that it is desirable to utilize finger grips in the form of ribs 29 so as to more firmly grip the locking head (col. 3, lines26-28).

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367) as applied to claim 1 above, and further in view of Monti (US 3676901).

Further modification of the assembly of Prete Jr. such that the strap is made of nylon would have been obvious in view of Monti (figures 1-4) teaching the use of a buckle to hold a nylon strap (col. 1, line 19) usable in holding containers closed.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367) as applied to claim 1 above, and further in view of Berg (US 4233713).

Further modification of the assembly of Prete Jr. such that the strap has the threaded end heat staked would have been obvious in view of Berg (figure 5) teaching melting together and sealing the ends of the threads of the strap material with a match stick or open flame so as to form a structure quickly without dependence on sewing or riveting and rapidly obtaining an end easily threadable into a buckle passageway (col. 4, lines 24-34).

Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367) as applied to claim 1 above, and further in view of Dahlgren (US 1666528).

Further modification of the assembly of Prete Jr. such that the retainer includes two pointed barbs or a serrated blade would have been obvious in view of Dahlgren (figures 1-3, 8) teaching that it is desirable to utilize either two barbs<sup>19</sup> (figure 3) on a retainer or a serrated blade 42 (figure 8) on a retainer interchangeably depending upon the strength required in the application.

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367) as applied to claim 1 above, and further in view of Plzak (US 6295700).

Further modification of the assembly of Prete Jr. such that the retainer is located in a cavity would have been obvious in view of Plzak (figures 9a-9d) teaching that it is desirable to place the retainer 720 in a cavity so as to provide a more serpentine path for the strap.

Claims 1-3, 8, 10 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367).

Golds et al. (figure 11) teaches a self-locking strap assembly comprising a buckle 84 having a cavity and a passageway 86; a strap 12a secured to the buckle at a first position and adapted to be inserted to the passageway at a second position; and a retainer 88 disposed in the cavity and including a first barb and a second barb among the pins 92 adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The difference is that the buckle lacks outer concave surfaces. However, McInerney (figures 1, 5) teaches a self-locking strap assembly comprising a buckle 10 having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; wherein the concave surfaces and finger grips help in more securely gripping the buckle. As it would be beneficial to more securely grip the buckle of Golds et al., it would have been obvious to modify the buckle of Golds et al. so that the sides have concave surface in view of McInerney teaching that it is desirable to provide such structure to more securely grip the buckle. As to claim 2, the strap of Golds et al. can be made of polypropylene (col. 4, lines 9-10). In regard to claim 10, the retainer 88 is pivotally mounted in a cavity and an edge of the cavity limits the pivoting of the retainer in the strap engaged condition.

Claims 4 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claims 3 and 13 above, and further in view of Christian et al. (US 6003208).

Further modification of the assembly of Golds et al. such that the finger grips of McInerney et al. are ribs would have been obvious in view of Christian et al. (figure 1, 2)



teaching that it is desirable to utilize finger grips in the form of ribs 29 so as to more firmly grip the locking head (col. 3, lines 26-28).

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of Monti (US 3676901).

While Golds et al. states that as shown in figure 11, the end 12a of the strap may be molded into the frame, other conventional means can be used (col. 7, lines 47-49). Monti (figures 1, 2) teaches that it is conventional to use a loop in the strap to secure an end to the buckle. Therefore, it would have been obvious to modify the assembly of Golds et al. to utilize a loop in the strap end to secure the strap to the buckle.

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of Berg (US 4233713).

Golds et al. (figure 11) teaches a self-locking strap assembly comprising a buckle 84 having a cavity and a passageway 86; a strap 12a secured to the buckle at a first position and adapted to be inserted to the passageway at a second position; and a retainer 88 disposed in the cavity and including a first barb and a second barb among the pins 92 adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The difference is that the end of the strap is not heat staked. Modification of the assembly of Golds et al. such that the strap has the threaded end heat staked would have been obvious in view of Berg (figure 5) teaching melting together and sealing the ends of the threads of the strap material with a match stick or open flame so as to form a structure quickly without dependence on sewing or riveting and rapidly obtaining an end easily threadable into a buckle passageway (col. 4, lines 24-34).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Monti (US 3676901).

While Golds et al. states that as shown in figure 11, the end 12a of the strap may be molded into the frame, other conventional means can be used (col. 7, lines 47-49). Monti (figures 1, 2) teaches that it is conventional to use a loop in the strap to secure an end to the buckle so as to have simpler fabrication. Therefore, it would have been obvious to further modify the assembly of Golds et al. to utilize a loop in the strap end to secure the strap to the buckle.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Berg (US 4233713).

Further modification of the assembly of Golds et al. such that the strap has the threaded end heat staked would have been obvious in view of Berg (figure 5) teaching melting together and sealing the ends of the threads of the strap material with a match stick or open flame so as to form a structure quickly without dependence on sewing or riveting and rapidly obtaining an end easily threadable into a buckle passageway (col. 4, lines 24-34).

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Dahlgren (US 1666528).

Further modification of the assembly of Golds et al. such that the retainer includes a serrated blade would have been obvious in view of Dahlgren (figures 1-3, 8) teaching that it is

desirable to utilize either two barbs 19 (figure 3) on a retainer or a serrated blade 42 (figure 8) on a retainer interchangeably depending upon the strength required in the application.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McInerney (US 5911367) in view of Miller (US 1100389).

McInerney (figures 1, 5) teaches a self-locking strap assembly comprising a buckle 10 having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; and a retainer in the form of pointed barbs 12 integrally coupled to the buckle 10 and adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The difference is that it lacks a separator. It would have been obvious to modify the assembly of McInerney by utilizing a separator to maintain the overlapped straps together in the secured condition and lessen the chance of the straps separating in view of Miller (figures 1-3) who suggests the use of a separator 6 (figure 3) to hold the free end of the strap to the underlying strap for this purpose.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Miller (US 1100389).

Further modification of the strap apparatus of Golds et al. such that it has a separator would have been obvious in view of Miller (figures 1-3) who suggests the use of a separator 6 (figure 3) to hold the free end of the strap to the underlying strap for this purpose.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prete, Jr. (US 3678542) in view of McInerney et al (US 5911367) as applied to claim 1 above, and further in view of Miller (US 1100389).

Further modification of the strap apparatus of Prete, Jr. such that it has a separator would have been obvious in view of Miller (figures 1-3) who suggests the use of a separator 6 (figure 3) to hold the free end of the strap to the underlying strap for this purpose.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golds et al. (US 5356412) in view of Miller (US 1100389).

Golds et al. (figure 11) teaches a self-locking strap assembly comprising a buckle 84 having a cavity and a passageway 86; a strap 12a secured to the buckle at a first position and adapted to be inserted to the passageway at a second position; and a retainer 88 disposed in the cavity and including a first barb and a second barb among the pins 92 adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The difference is that it lacks a separator. It would have been obvious to modify the assembly of Golds et al. by utilizing a separator to maintain the overlapped straps together in the secured condition and lessen the chance of the straps separating in view of Miller (figures 1-3) who suggests the use of a separator 6 (figure 3) to hold the free end of the strap to the underlying strap for this purpose.

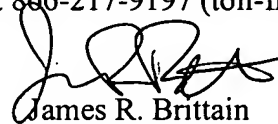
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB